

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)**

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11534 of 2004

Between:

T.Subbarayudu, S/o Venkata Subbaiah,
R/o 2/1231, Chinnachowk, Chalamareddypalli Village,
Vukkayapalli Post, Kadapa Mandal,
Kadapa District

.....
PETITIONER

AND

- 1 The Vice-Chairman & Managing Director, Andhra Pradesh
State Civil Supplies Corporation Ltd
Regd. Office 6-3-655/1/A, C.S.Bhavan, Somajiguda, Hyderabad
- 2 The District Manager, Andhra Pradesh State Civil Supplies
Corporation Limited, Kadapa, Kadapa District
- 3 The Joint Collector & Ex-Officio Executive Director,
Andhra Pradesh State Civil Supplies Corporation
Limited, Kadapa,
Kadapa District
- 4 The Mandal Revenue Officers, Kadapa Mandal, Kadapa District
- 5 Shri G.Chandraiah, S/o Venkaiah,
R/o D.No.7/207/1, NGO Colony, Masjid Road, Kadapa,
Kadapa District
- 6 Shri Y.Thirumalaiah, R/o D.No.5/540, R.V.Nagar, Kadapa,
Kadapa District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Directions, more particularly one in the nature of Writ of Mandamus by directing the Respondents herein a) to call for the records pertaining to the impugned Proceedings No.A3/Stage-II/40/2004, dated 07-06-2004 and dated 10-06-2004 respectively, issued by the Respondent NO.2 herein through which entrusted the State-II Transport Contract and for

Transportation of the essential commodities and sugar at Stage-II from MLS point godown to the concerned Fair Price Shops under Public Distribution System in Kadapa Mandal, Kadapa District to the Respondent NOs.5 & 6 herein respectively and set aside the same; b) to allow the Petitioner herein to retain and continue as Stage-II Transport Contractor and for Transportation of the essential commodities and sugar at Stage-II from MLS Point godown to the concerned Fair Price Shops under Public Distribution System in Kadapa Mandal, Kadapa District; c) to issue the Tender Notification for Transportation of the essential commodities and sugar at Stage-II from MLS Point godown to the concerned Fair Price Shops under Public Distribution System in Kadapa Mandal, Kadapa District; d) to award the costs to the petitioner herein; e) by declaring the action of the Respondents herein for not continued the Petitioner herein and entrusted the same to the Respondent Nos.5 and 6 herein through the Proceedings No.A3/Stage-II/40/2004, dated 07-06-2004 and 10-06-2004 respectively, without issuance and finalization of the Tender Notification, without issuance of prior notice, fair and reasonable opportunity and without followed the due process of law, is bad, illegal, irrational, illogical, arbitrary, discriminatory, without notice, violative to the Principles of Natural Justice, violative of the directions of this Hon'ble High Court dated 19-07-2002 and also violative of Article 14,19(1)(g) and 21 of the Constitution of India

For the Petitioner: MR.A.NAGENDRA RAO, Advocate

For the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following ORDER:

This writ petition is filed by the petitioner claiming that he was the successful tenderer for the transportation of essential commodities from MLS point to the Fair Price Shops in Kadapa Mandal, Kadapa District for a period of two years in pursuance of a tender notice dated 13.03.2002.

2. According to the petitioner, as there was an interference by way of discontinuance during the subsistence of the contract period, the petitioner filed W.P.No.13157 of 2002 and this Court passed an order of status quo on 19.07.2002. According to the petitioner, as the said interim order is continuing, the respondents have no right to discontinue the petitioner from transporting the essential commodities from MLS point to the Fair Price Shops. But, however, without even issuing any notice, the respondents have discontinued the petitioner. Hence, the present writ petition.

3. The learned Government Pleader on the other hand opposed the said contention stating that as the period of contract has already expired, it is open to the respondents to discontinue the petitioner.

4. Heard both sides and considered the material available on record.

5. As admittedly, the petitioner has completed the term of contract for which he was declared as successful bidder for transportation of the essential commodities, it is always open to the respondents to discontinue the petitioner as well as to entrust the work to any other party. But before appointing any third party as a Transport Contractor, it is obligatory on the part of the respondents to issue a public notice calling for tenders and the work has to be entrusted only to the successful tenderers. According to the petitioner, the respondents have not resorted to such a procedure. Therefore, the present writ petition.

6. In view of the fact that the petitioner's term as a Transport Contractor had already expired, the petitioner has no right to continue or demand to continue him as a Transport Contractor. However, it is open to the respondents to make an arrangement if tenders were not already called for. But, if the respondents propose to allot the said transportation work to any other person, it is obligatory on the part of the respondents to issue a notification calling for tenders from the public and only the successful tenderer should be awarded such work.

7. However, it is made clear that if the respondents have allotted the transportation work under any scheme formulated by the authorities under the A.P. State Essential Commodities Act, 1955 by issuing circulars, it is open to the respondents to carry on the transportation by the persons appointed under the scheme.

8. Under the above circumstances, the writ petition is disposed of directing the respondents to issue notification and call for the public tenders for allotment of the transportation work in accordance with law, if no allotment is made under scheme referred to above .

09.07.2004

Note: Furnish CC in 2 days

B/o

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To

- 1 The Vice-Chairman & Managing Director, Andhra Pradesh
State Civil Supplies Corporation Ltd
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Limited, Kadapa,
Kadapa District
- 4 The Mandal Revenue Officers, Kadapa Mandal, Kadapa District
- 5 Two CCs to G.P. for Civil Supplies, High Court of A.P. Buildings,
Hyderabad (OUT)
- 6 Two CD Copies